

May 18, 2012

VIA E-MAIL

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CELA

Re: Response to Complaint - MUR 6540

Dear Mr. Jordan:

The undersigned serves as counsel to Rick Santorum for President. We are in receipt of the Complaint filed in the above-referenced MUR 6540 (the "Complaint"). The Complaint is frivolous, wholly without merit and should be dismissed.

The event at issue in the Complaint was an event hosted by the Michigan Faith and Freedom Coalition ("MFFC"), to which Sen. Santorum was an invited speaker (among others). It was not a Santorum campaign event nor was it a Santorum 'rally' as alleged in the Complaint.

The MFFC invited all candidates for President to attend a forum in the fall of 2011. Sen. Santorum accepted the invitation; others did not. The event was cancelled. Another forum was scheduled for February, 2012. Again, all the presidential candidates were invited to attend. Only Sen. Santorum accepted. The MFFC apparently decided to schedule a series of meetings to which the candidates would be invited to speak, but which would not require the candidates to all appear on the same program. The event referenced in the Complaint was not a campaign event and Santorum for President campaign materials were not allowed at the event, nor did Sen. Santorum or the Santorum campaign control the agenda, the meeting room, or the event. Other non-candidate speakers were also included in the event, at the invitation of MFFC.

All candidates for President were offered the same opportunity to attend and speak at the event, pursuant to 11 C.F.R. §114.4(b)(ii).

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The claim in the Complaint that Sen. Santorum's mere appearance at a forum sponsored by MFFC somehow constitutes an illegal coordinated public communication is baseless. The facts do not support the charge. The factors that must be present for a finding of an impermissible coordinated public communication are not present in this instance, to-wit:

(1) *Content Standard.* There was no communication by MFFC that constituted an electioneering communication, an express advocacy communication or other public communication meeting the definition(s) set forward in 11 C.F.R. §109.21 (c).

(2) *Conduct Standard.* There was no conduct that satisfies the 'conduct standard' of 11 C.F.R. §109.21(d). There were no discussions at any time – substantial or otherwise – between the MFCC and the candidate or any agent or representative of the Santorum campaign regarding the needs, activities, plans or projects of the Santorum campaign, nor did the Santorum campaign request or suggest that MFFC make any public communication regarding the Santorum campaign.

A candidate's appearance at a forum sponsored by a citizens' group is not illegal. It is protected First Amendment activity. Any rules or regulations that seek to prohibit or punish such appearances are surely unconstitutional.

In this instance, the organization held an issue forum and invited all candidates for President to attend. Sen. Santorum accepted, attended and spoke. No campaign materials were distributed at the meeting. A copy of the response submitted by MFFC is attached hereto, which confirms that the allegations in the Complaint are factually incorrect.

The Complaint should be dismissed.

Inasmuch as the Santorum campaign is in a winding down phase and will seek to terminate upon resolution of outstanding debts, we would respectfully request that this MUR be resolved and dismissed at the earliest possible date.

Please contact me at (202) 295-4081 if there are questions regarding this response.



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Sincerely,

/s/ Cleta Mitchell

Cleta Mitchell, Esq., Counsel
Rick Santorum for President

cc: Ms. Nadine Maenza, Treasurer
Rick Santorum for President

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